

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL SCHRAMM and DIANNE SCHRAMM,	:	CIVIL ACTION NO. 1:14-CV-1873
	:	
Plaintiffs	:	(Chief Judge Conner)
	:	
v.	:	
	:	
ARKEL MOTORS, INC.,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 12th day of July, 2016, upon consideration of the report (Doc. 33) of Chief Magistrate Judge Martin C. Carlson, recommending that the court deny the motion (Doc. 24) for summary judgment filed by defendant Arkel Motors, Inc. (“Arkel Motors”), wherein the magistrate judge opines that the negligence claim asserted by plaintiff Michael Schramm (“Schramm”) arises in ordinary negligence and does not require expert testimony or proof as Arkel Motors asserts, (see Doc. 33 at 8-10), and further opines, assuming *arguendo* that expert proof is required, that Schramm promptly proffered an appropriate expert witness upon notice of Arkel Motors’ position that Schramm’s claim requires such evidence, (see id. at 10-12), and it appearing that Arkel Motors did not object to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the

report,” Henderson, 812 F.2d at 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court in agreement with Judge Carlson’s recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 33) of Chief Magistrate Judge Carlson is ADOPTED.
2. Arkel Motors’ motion (Doc. 24) for summary judgment is DENIED.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania